

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WACHENDORFF-NEUMANN *et al.*

Appl. No.: 10/518,742

§ 371(c) Date: July 26, 2005

For: **Fungicidal Active Substance
Combinations**

Confirmation No.: 3030

Art Unit: 1614

Examiner: *To be assigned*

Atty. Docket: 2400.0250001/VLC/L-Z

**First Supplemental Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This First Supplemental Information Disclosure Statement is a continuation of the Applicants' Information Disclosure Statement filed on December 17, 2004 in connection with the above-captioned application.

Copies of documents **FP1**, **FP2**, and **NPL1** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patent application publications cited on the attached Form PTO/SB/08A, documents **US1** to **US3**, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** and **FP2**, cited on Form PTO/SB/08A:

Document **FP1**, EP 0 460 575 A1, is in the German language. English language equivalents of document FP1 were cited as documents **AC** and **AD**, U.S. 6,355,634 B1 and U.S. 6,407,100 B1, respectively, on the Information Disclosure Statement filed on December 14, 2004.

Document **FP2**, WO 96/16048 A1, is in the German language. An English language abstract of document FP2 can be found on the face page of the published patent application. Additionally, English language equivalents of document FP2 were cited as documents **AA** and **AB**, U.S. 5,789,430 and U.S. 5,859,039, respectively, on the Information Disclosure Statement filed on December 14, 2004.

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

Application No. 10/518,668, inventors Wachendorff-Neumann, U., *et al.*, filed August 22, 2005, published on January 19, 2006 as U.S. Publication No. 2006/0014738 A1, listed herein as **US1**;

Application No. 10/518,669, inventors Wachendorff-Neumann, U., *et al.*, filed July 21, 2005, published on February 16, 2006 as U.S. Publication No. 2006/0035942 A1, listed herein as **US2**; and

Application No. 10/570,945, inventors Suty-Heinze, A., filed November 3, 2006, published on March 8, 2007 as U.S. Publication No. 2007/0054804 A1, listed herein as **US3**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.


This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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